

LONDON BOROUGH OF BRENT

EXECUTIVE MEETING  
28<sup>th</sup> May 2003

FROM THE DIRECTOR OF EDUCATION, ARTS & LIBRARIES

NAME OF WARD(S)  
ALL

**REPORT TITLE: Transport for Pupils aged 16 -19**

**1.0 SUMMARY**

This report informs Members of the changes to post 16 transport legislation arising from Schedule 19 of the Education Act 2002, and sets out the LEAs responsibilities in relation to these changes.

**2.0 RECOMMENDATIONS**

- 2.1 It is recommended that Members agree to adopt the pan London baseline for Post 16 Transport as shown in **Appendix 1**, which will reduce the distance criteria from 5 miles travelling distance from the nearest suitable provision to 3 miles, and require applications for support to be subject to a means test

**3.0 FINANCIAL IMPLICATIONS**

- 3.1 Although it is difficult to assess the full financial implications it is felt that the cost of these proposals in 2003/04, aligned to agreeing Appendix 1, can be met from the LSC grants of £63,000 and the £20,000 growth agreed in the 2003/04 budget for this service. It is anticipated that LSC funding will continue into further years at more than this level to also meet full year costs.
- 3.2 The £80,000 Pathfinder funding agreed for 2003/4 should not only help support some SEN pupils travel independently but also reduce pressures on the SEN transport budget in the longer term.

#### **4.0 STAFFING IMPLICATIONS**

- 4.1 There are no staffing implications. Any increase in applications can be managed within existing resources.

#### **5.0 LEGAL IMPLICATIONS**

- 5.1 Schedule 19, Section 509AA of the Education Act 2002 requires LEAs to prepare and publish a transport policy statement following consultation with their partners by 31<sup>st</sup> May each year.

#### **6.0 DETAIL**

- 6.1 Research commissioned by the Department for Education and Skills identified that transport costs can be a significant barrier for some post 16 students. The DfES commissioned report highlighted a number of problems associated with the current arrangements.
- 6.2 The level of support available to students was found to very much depend on where they lived, with some authorities operating policies that provide support whilst others consider cases of exceptional circumstances only. It was also thought that there was a general lack of information available about travel at the time when students are deciding on courses, which may contribute to students later having to abandon their studies.
- 6.3 To overcome this, the research recommended that the 1996 Education Act governing transport support for 16 – 19 and continuing students should be revised. A new duty on authorities to consider travel for this age group was introduced in the Education Act 2002.
- 6.4 The intention of the new duty is to improve retention rates at 16 +, to provide a more consistent approach to the provision of 16-19 travel assistance and to make available coherent information for students and their parents when choosing FE courses.
- 6.5 The legislation came into force in January 2003 and requires LEAs to publish a 16 - 19 transport policy statement after consultation with partners, by 31 May 2003 for implementation in August/September 2003, and thereafter to publish an annual statement on or before the 31<sup>st</sup> May prior to the start of each academic year.
- 6.6 The LEA has convened a Transport Partnership consisting of representatives of the LEA, LSC, the College of NW London, Connexions, Children's Social Work and the Transportation Service. Further meetings of the partnership are scheduled throughout the coming year.
- 6.7 LEA Policy Statements must include details of all provision supported by LEAs and partners. LEAs and partners are expected to take account of whether transport services are adequate to allow students to access their courses, that young people have access to relevant courses and reasonable choice. Where courses cannot be provided locally, students should be supported to attend appropriate courses outside the LEA boundary, subject to their financial circumstances.

- 6.8 The needs of students with disabilities and/or learning difficulties need to be taken into account and should be based on the Disability Discrimination Act 1995 and the Special Educational Needs and Disability Act 2001. Where students are assessed as needing transport support this must be provided until students reach the age of 19 or when the course finishes, whichever is the later. The DfES however recommend that assistance to this group should be provided until they are aged 21 or, ideally, 25.
- 6.9 As a result of a number of meetings and discussions between London borough officers, FELORS and the ALG, as well as the Association of Colleges, Transport for London, Learning and Skills Councils and Connexions Services the baseline policy for 16-19 pupil transport has been agreed by Members of the ALG Education Panel. This baseline encompasses all the requirements of the DFES transport guidance.
- 6.10 Brent's current policy for main stream post 16 applicants provides assistance where a student lives more than five miles from the nearest suitable provision, and where applicants can demonstrate exceptional financial hardship. No definition of hardship is given.
- 6.11 Eligibility for assistance with transport is currently not subject to a means test. In the 2001/2 academic year 9 main stream post 16 students received assistance with home to school or college transport.
- 6.12 The adoption of the pan London baseline would require the Council to change the distance criteria from 5 miles from the nearest suitable provision to 3 miles. It would also subject applications for support to a parental means test.
- 6.13 To be eligible for assistance a student's parents would have to be in receipt of income support, Job seekers allowance, or have approved asylum seeker status. All existing eligibility constraints on Learner Support Funds for students undertaking state funded courses have been removed (including Asylum Seekers).
- 6.14 Education Maintenance Allowances (EMAs) have been piloted in Brent since September 2000. From September 2004 they will be available nationally. EMAs are means tested grants of up to £30 per week for pupils aged 16 to 19. Additional bonuses of £150 per annum are also payable. The parental income ceiling for EMA is £20,000. The purpose of EMA is to remove barriers to learning and participation, and there is the expectation from the DfES that the EMA should be used to meet travel expenses. 1848 pupils are in receipt of an EMA in the current academic year.
- 6.15 Students in receipt of an EMA would only be eligible for transport grant where they could demonstrate an exceptional case for support, as the EMA is expected to cover most transport costs.
- 6.16 The pan London base line states that as lead agency for each Partnership LEAs are to be responsible for all cases. However, LEAs will concentrate resources and administrative support on students attending school sixth forms. Colleges will concentrate resources and administration on support for their own students. LEAs will consider funding transport costs for college students where the college will not provide it for some clear and rational reason. The LEA has gained the agreement of

the College of North-West London to provide assistance in accordance with the pan London baseline.

- 6.17 There are approximately 3,200 Brent students attending schools or colleges in the 16 -19 age range. A mapping exercise shows 2023 students attend schools within 3 miles of their home, and 893 of these receive an EMA. 977 students attend schools or colleges more than 3 miles from their home and are in receipt of an EMA. This would suggest a maximum number of 200 potentially eligible students.
- 6.18 A total of £83,000 is available in the 2003/4 financial year to meet these responsibilities. Members have agreed a growth bid of £20,000 for 2003/4. This is supported by £30,000 learner support funds from the LSC, and £33,000 School Access Fund, again from the LSC. There is a special rate bus pass for post 16 pupils. The average cost of a Youth Bus Pass is £185.00 per annum. The available funding would cover the cost of 448 Youth Bus Passes.
- 6.19 A further £29,520 is to be made available from the LSC to the LEA led partnership direct, to be used for the partnership and not to pursue the LEAs own objectives, or to replace existing sources of funding by any partner. A decision on how this money is to be allocated will be made at the next transport partnership meeting on the 8<sup>th</sup> May 2003.
- 6.20 The LEA has successfully bid for £80,000 Transport Pathfinder funding. The bid includes the provision of Independent Travel Training for pupils with special educational needs who could benefit from it. The DfES strongly support the need for mobility and independence training, which has proven to reduce the cost of travel for many students. There are 60 students in the 16 + age range currently receiving transport from the Council. Providers of independent travel training are being sought with a view to begin training for appropriate students in June 2003.
- 6.21 From 1<sup>st</sup> April 2003 there are no restrictions on the times a freedom pass can be used for travel on London Transport, If students with disabilities were able to travel independently they would be able to use their freedom pass to travel to and from school or college.
- 6.22 With DfES funding, the ALG will shortly commission a research project, which will consider the costs and use of transport by London students aged 16-19. The objectives of the research will be three-fold: to provide data to support any potential negotiations for changes in fares or concessions between the London boroughs and Transport for London or other transport providers: to inform the work of individual boroughs in the development of their annual 16-19 transport statements; to inform possible future strategic working pan-London on the provision and costs of transport for the 16-19 cohort.

## **7.0 BACKGROUND INFORMATION**

The following papers were used in the compilation of this report:-

- i) LEA Circular 0169/2002
- ii) LEA Circular 0508/2002

Any person wishing to inspect the above papers should contact

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